

# **TOWN OF ORLEANS USE OF ORLEANS SOLID WASTE FACILITY REGULATIONS**

## **185-11 ADMINISTRATION**

### **A. Purpose**

The solid waste facility is operated and maintained by the Town of Orleans for disposal of acceptable waste generated within the boundaries of the Town of Orleans. All refuse and other wastes originating outside the town's boundaries are prohibited.

### **B. Authority**

These regulations are written and adopted under the authority of the Massachusetts General Laws Chapter 111 Sections 31, 31A and 31B.

### **C. Severability**

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force.

## **185-12 DEFINITIONS**

**Acceptable Waste** - Any waste currently accepted at the solid waste facility as noted in the Disposal Manager's Operation plan and as approved by the Board of Health.

**Brush** - Tree trimmings, bushes and shrubs.

**Commercial Vehicle** – Any vehicle bearing commercial plates and/or any vehicle used in the transportation of commercial waste, commercial landscaping operations, commercial earthmoving operations, commercial construction and demolition materials. This term also includes refuse collection and transportation vehicles.

**Commercial Waste** – All types of solid waste from manufacturing operations or commercial establishments, such as restaurants, markets, motels, campgrounds, office buildings and retail stores.

**Construction and Demolition Waste** - All lumber, pipes, bricks, shingles, sheetrock, masonry and other construction materials resulting from the construction and demolition of buildings and other structures. Construction and demolition waste is free of refuse.

**Hazardous Materials** - Solvents, oils, chemicals, pesticides, explosive materials, nuclear or radioactive materials.

**Liquid Waste** – Material that drains freely or contains free draining liquids. Contained liquid wastes generated by and produced in the normal operation of a household, excluding septage shall not be considered liquid wastes unless expressly excluded through 310 CMR 19.017 or these regulations.

**Metal** –Includes but is not limited to refrigerators, washing machines, clothes dryers, air conditioners, ranges, stoves, metal furniture, appliances, structural members and pipes up to 4 feet long, small wire and metal fencing in bundles up to 4 feet long, small metal scrap, bicycles, lawn mowers, tubs, sinks, and single family residential furnaces.

**Picking** - Unauthorized removal of products and materials from the Orleans Solid Waste Facility.

**Recyclable or Recyclable Material** – A material or by-products which are reused; used as an ingredient or a feedstock in an industrial or manufacturing process to make a marketable product; used in a particular function or application as an effective substitute for a commercial product or commodity. Defined in the Code of Orleans Chapter 130, Article III, Section 130-5.

**Refuse** - Solid waste materials, including garbage and rubbish, exclusive of building, demolition and body wastes.

(a) Garbage - the animal, vegetable or other organic waste resulting from the handling, preparation, cooking, serving or consumption of food.

(b) Rubbish - solid wastes; such as cardboard, plastic, paper, glass, metal, yard trimmings, packing materials, etc.

**Refuse Collectors and Transporters** - Individuals or companies who collect and/or transport refuse from private or commercial sources.

**Seasonal Renter** – Individuals who rent a dwelling unit in Orleans for part of a year and are not on the street listing as a resident of the town. All seasonal renters must have proof of a current rental agreement.

**Solid Waste** – Waste materials including garbage and rubbish, exclusive of building, demolition and body wastes. (See refuse)

**Unacceptable Waste** - Any waste not defined as acceptable waste as itemized in the Disposal Manager's Annual Operation Plan. Any waste currently not accepted at the Solid Waste Facility and not listed as acceptable waste in the Disposal Manager's Annual Operation Plan as approved by the Board of Health.

**Yard Waste** - grass clippings, weeds, garden materials, shrub clippings, leaves, pine needles, bark mulch, wood chips and brush less than one inch in diameter.

## **185-13 GENERAL REGULATIONS**

### **A. NON-COMMERCIAL USE**

**1. Vehicle Access** – Non-Commercial access to the solid waste facility is limited to those vehicles having a valid solid waste facility sticker or to residents who purchase a one time user pass.

**2. Residential** - All resident taxpayers will be admitted to the solid waste facility with their solid waste facility sticker. These stickers may be obtained at the town offices, in accordance with Section 185-15 D Transfer Station Eligibility, at the fee rate provided in Section 185-15. Stickers must be prominently displayed on the upper left-hand corner of the second window on the driver's side of the vehicle. A sticker is valid only for the vehicle to which it is issued and is for the disposal of residential solid waste.

**3. Non-Residential** - Persons staying or renting in Orleans on a year round basis, may obtain solid waste facility stickers, in accordance with Section 185-15 D Transfer Station Eligibility, at the town offices at the fee rate provided in Section 185-15. Stickers must be prominently displayed on the upper left-hand corner of the second window on the driver's side of the vehicle. A sticker is valid only for the vehicle to which it is issued and is for the disposal of residential solid waste.

**4. Seasonal Renter** – Persons staying or renting in Orleans on a seasonal basis, may obtain solid waste facility stickers, in accordance with Section 185-15 D Transfer Station Eligibility, at the town offices at the fee rate provided in Section 185-15. Stickers must be prominently displayed on the upper left-hand corner of the second window on the driver's side of the vehicle. A sticker is only valid for the vehicle to which it is issued. Seasonal renters must have proof of a current rental agreement.

**5. One Time User** – Persons living, staying or renting in Orleans may obtain a one time user pass to the solid waste facility. These passes may be purchased at the solid waste facility for the fee rate provided in Section 185-15. The one time user pass entitles the holder to access once with a limit of 10-32 gallon bags containing acceptable solid waste.

**6. Recycling Sticker**- All resident taxpayers and persons staying or renting in Orleans on a year round basis, who show proof of a private trash hauling service, may obtain a recycling only sticker in accordance with Section 185-15 D Transfer Station Eligibility, at the fee rate provided in Section 185-15. Stickers must be prominently displayed on the upper left-hand corner of the second window on the driver's side of the vehicle. A sticker is valid only for the vehicle to which it is issued and grants the owner of the vehicle access to all of the residential services at the solid waste facility, at the rates defined in Section 185-15, with the exception of the disposal of refuse (garbage and rubbish) which is not allowed with a recycle only sticker.

**7. Sticker Eligibility** – Non-commercial sticker entitlement is subject to Section 185-15 D Transfer Station Eligibility.

**8. Refuse Disposal** – A Non-commercial sticker entitles the holder to dispose of residential refuse, recyclable materials and yard waste material. All other items are on an itemized basis as described in Section 185-15 C of this regulation. Handling and disposal of residential material must be in accordance with the provisions of Section 185-14 C of this regulation.

## **B. COMMERCIAL USE**

### **1. Vehicle Access –**

Commercial access to the solid waste facility is limited to those vehicles having a valid commercial solid waste facility sticker or thirty day pass.

### **2. Commercial Vehicles**

- a) Owners of commercial vehicles will be admitted to the Orleans Solid Waste Facility with their solid waste facility sticker. These stickers may be obtained, in accordance with Section 185-15 D Transfer Station Eligibility, at the town offices for the fee provided in Section 185-15. A sticker is valid only for the vehicle to which it is issued and is valid for the disposal of solid waste generated in Orleans.
- b) Contractors whose vehicles are registered to a business not located in Orleans may receive a Thirty Day Vehicle Pass to dispose of construction and demolition material generated from a building site located in Orleans at the rates defined in Section 185-15. These passes may be obtained in accordance with Section 185-15 D Transfer Station Eligibility, at the solid waste facility for the fee provided in Section 185-15.
- c) Fees for commercial vehicles will be based on a price per ton basis, at the fee rate provided in Section 185-15. When applicable, commercial vehicles will be weighed upon entering and leaving the solid waste facility to determine the weight of the load.

### **3. Refuse Collection**

- a) No refuse collection and transportation dealer shall remove or transport garbage, offal or other offensive substances through the streets of Orleans without receiving a Refuse Collection and Transportation Permit from the Board of Health, in accordance with Massachusetts General Laws, C111, Section 31A.

- b) Licensed refuse collection vehicles will be admitted to the solid waste facility with their solid waste facility sticker. These stickers may be obtained at the town offices for the fee rate provided in Section 185-15. A sticker is valid only for the vehicle to which it is issued. The compactor hopper for refuse collection vehicles is designed to accept packer vehicles having a rear overhang with a minimum clearance of 12 inches. Vehicles having a clearance less than 12 inches cannot be accommodated. No commercial sticker will be issued to a refuse collection vehicle which is not compatible with the solid waste facility's equipment.

#### **4. Standards for the Collection and Transportation of Refuse**

- a) Every vehicle used for the transportation of refuse shall be owned and operated under the supervision of a person holding a valid refuse collection and transportation permit from the Board of Health. Every vehicle used for the transportation of refuse shall meet the following minimum criteria:
  - 1. The hauling body shall be rigid and shall have an impervious lining on the floor and all sides.
  - 2. All joints in the hauling body shall be effectively closed and smooth so that no drippage or leaking of draining water or liquid or any debris can occur.
  - 3. Every collection and transportation vehicle shall cover the refuse to be hauled and keep such refuse securely within the hauling body.
  - 4. No vehicle without permanent cover shall be loaded with refuse or other offal substances to a level above the side wall height.
  - 5. Loose paper, trash and small materials shall be secured against any wind dispersal, jiggling, or jarring which will allow such material to blow or fall out of the vehicle.
  - 6. Every vehicle used for hauling refuse shall be cleaned as often as may be necessary to prevent persistent odors.
  - 7. Every collection and transportation vehicle used for hauling refuse or other offal substances shall at all times be equipped with a fire extinguisher.
  - 8. All refuse collection and transportation vehicles must display the volume capacity and the tare (empty) weight on the left-hand side of the vehicle.

#### **5. Disposal of Commercial Material**

Handling and disposal of commercial material must be in accordance with the provisions of Section 185-14 C of this regulation.

## **185-14 OPERATIONAL REQUIREMENTS**

### **Administrative Requirements**

1. An Annual Operation Plan, covering all of the solid waste activities to be conducted on the site, must be prepared by the Disposal Manager or his designee, and submitted to the Board of Health for approval prior to September 1st of each year. This plan is to describe the major features of the operation for the coming year as quantitatively as possible. It shall also contain detailed procedures for handling all classes of solid waste, methods for control of dust, odor, windblown litter, rodents and noise, as well as other aspects of operations at the site (recycling, transfer, composting, etc.)
2. A report for each year's operation must be prepared by the Disposal Manager or his designee and submitted to the Board of Health for approval by the following September 1st. This report must provide a quantitative summary of the past year's operations, quantities of various classes of waste handled, percentages of waste stream recycled, tonnage composted, etc.
3. Prior to any construction or alteration of the site, the Board of Health must approve the detailed site and building plans.
4. The solid waste facility shall be inspected on a semi-annual basis by a qualified engineer, to determine that the facility is in compliance with MGL, C111, Section 150A, 310 CMR 18.00; 310 CMR 19.00 and other applicable laws and regulations.

### **Accident Prevention and Safety**

1. Only the transfer station operator and users unloading refuse shall be permitted within the solid waste facility and all users shall leave the solid waste facility immediately after unloading refuse.
2. Picking (unauthorized removal of materials and products) at the solid waste facility is prohibited. The disposal manager shall be responsible for developing a plan authorizing the removal of specific items from the solid waste facility. This plan must be submitted to the Board of Health as part of the Disposal Manager's Operational Plan.
3. Conduct by any/all persons utilizing the Solid Waste Facility shall not be disruptive to the operation of the facility, its staff or other users of the facility.

### **Handling and Disposal of Materials**

1. All materials accepted at the solid waste facility shall be placed in only those areas designated by the Disposal Manager or his designee.
2. All materials being disposed of at the facility are subject to inspection by the

disposal manager or his designee, to determine its acceptability and origin.

3. Loose paper, refuse and small material shall be secured against any wind dispersal.

## **185-15 FEES AND ELIGIBILITY**

### **A. PROCESS FOR CHANGES IN FEES AND ELIGIBILITY**

- 1) The Board of Health and the Board of Selectmen shall, at a minimum, meet annually to discuss the fees and eligibility requirements for the solid waste facility.
- 2) The Board of Health will consider a change in fees upon the recommendation of Board of Selectmen/Town Administrator/ Disposal Manager (whomever is appropriate). This recommendation shall include the following (for each item):
  - a) Is the acceptance of this item at the disposal area considered a utility or service?
  - b) Define the town's cost (per unit or per ton) for the disposal of the item.
  - c) Define the percent of the town's disposal cost which should be covered by user fees vs. tax rate.
- 3) All recommendations for fee changes shall be submitted to the Board of Health a minimum of 45 days prior to the proposed effective date of the new fee.
- 4) For consideration of proposals to prohibit items from the facility or for limiting particular users from disposing of items (commercial users) the following must be considered:
  - a) Economic impacts
  - b) DEP regulated waste bans
  - c) Availability of alternative disposal sites
  - d) SEMASS implications
  - e) Potential for illegal disposal
  - f) Future plans and resources at the solid waste facilities
- 5) The Board of Health will consider a change in sticker eligibility upon the recommendation of Board of Selectmen/Town Administrator/ Disposal Manager (whomever is appropriate). This recommendation shall include the following (for each item):
  - a) Is the Orleans solid waste facility intended for residential use or commercial use or both?
  - b) Disposal options for those not eligible for stickers.
  - c) Economic impacts

**B. FEES**  
**Commercial**

REFUSE COLLECTION AND TRANSPORTATION

License Fee \$ 50.00

LICENSED REFUSE HAULERS

Transfer Station Sticker

Vehicle Sticker Fee \$ 85.00

Additional Sticker \$ 15.00

Replacement Sticker \$ 5.00

Each Ton \$ 80.00

COMMERCIAL VEHICLE

Transfer Station Sticker

Vehicle Sticker Fee \$ 85.00

Additional Sticker \$ 15.00

Replacement Sticker \$ 5.00

COMMERCIAL REFUSE DISPOSAL FEES

Each Ton \$ 80.00

(Minimum) \$ 5.00

THIRTY DAY FACILITY ACCESS FOR THE  
DISPOSAL OF CONSTRUCTION & DEMOLITION MATERIAL

Per Pass \$ 10.00

**Non Commercial**

REAL ESTATE OWNERS/YEAR ROUND RESIDENT

Transfer Station Sticker

Primary Sticker Fee\* \$ 85.00

Second Sticker Fee (Limit one per Primary Sticker)\* \$ 15.00

Replacement \$ 5.00

*\* See Section 185.15 (D) (2)*

RECYCLING STICKER

Primary Sticker Fee\* \$ 25.00

Second Sticker (Limit one per Primary Sticker)\* \$ 5.00

Replacement Sticker \$ 5.00

*\* See Section 185.15 (D) (2)*

SEASONAL RENTER

Transfer Station Sticker

Vehicle Sticker Fee \$ 85.00

One-time User Fee\*\* \$ 5.00

*\*\*Maximum 10 - 32 gallon bags (25/lbs/bag)*

## C. ITEMIZED COSTS

### SHEET METAL AND METAL PARTS

Cost Per Ton	\$ 40.00
Minimum 500 pounds	\$ 10.00
Charcoal Grill (ea)	\$ 5.00
Propane Tanks (ea)	
1 lb (ea)	\$ 2.00
20 lb (ea)	\$ 5.00
100 lb (ea)	\$ 25.00
Auto Gasoline Tanks (ea)	\$ 10.00
Bicycles (ea)	\$ 5.00
Lawn Mowers (ea)	\$ 5.00
Lawn Chairs {beach} (ea)	\$ 2.00
Lawn/Patio Furniture (ea)	\$ 5.00

### DEMOLITION AND BUILDING WASTE

Construction and Demolition (\$/Ton)	\$200.00
Minimum	\$ 10.00

### TIRES

Passenger Tire (ea)	\$ 2.00
Passenger Rim and Tire (ea)	\$ 5.00
Commercial Tire (ea)	\$ 10.00
Commercial Rim and Tire (ea)	\$ 15.00

### WHITE GOODS

#### RESIDENTIAL GRADE ITEMS

Refrigerator (ea)	\$ 20.00*
Kitchen Stove (ea)	\$ 10.00
Window Air Conditioners (ea)	\$ 15.00*
Clothes Washer/Dryer (ea)	\$ 10.00
Dish Washer (ea)	\$ 10.00
Dehumidifier (ea)	\$ 20.00*

\* Items containing freon

#### COMMERCIAL GRADE ITEMS

All commercial grade white goods Prohibited

#### BULKY ITEMS

Sofas, Upholstered Chairs, Mattresses, etc	\$ 15.00 each piece
Carpeting (ea)	\$ 10.00
Fish Netting (ea)	\$ 5.00

CATHODE RAY TUBES & ELECTRICAL ITEMS

Computer Monitors (ea)	\$ 10.00
Televisions <20" (ea)	\$ 10.00
Televisions >20" (ea)	\$ 15.00
Console Televisions (ea)	\$ 20.00
Computer Parts (ea)	\$ 5.00

BOATS, TRAILERS AND OTHER LARGE ITEMS

Per Ton	\$200.00
Minimum 500 pounds	\$ 50.00

BRUSH AND YARD WASTE

RESIDENTIAL BRUSH

Passenger Vehicles, per load	\$ 5.00
Compact Pick-Up, Truck per load	\$ 10.00
Sports Utility Vehicle, per load	\$ 10.00
Full Size Pick-Up Truck, per load	\$ 20.00
Trailer<10' in length, per load	\$ 20.00
Oversized Vehicles or Trailers, per load	\$ 25.00

RESIDENTIAL LEAVES AND YARD WASTE

Residential Leaves & Grass (per trip)	No Charge
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COMMERCIAL BRUSH

Disposal of Commercial Brush is Prohibited

COMMERCIAL LEAVES AND YARD WASTE

Per Ton	\$ 20.00
Minimum	\$ 5.00

OTHER WASTES

Residential Waste Oil	No Charge
Residential Anti Freeze	No Charge
Residential Gasoline	No Charge
Fluorescent Tubes	No Charge
Residential Automobile and Boat Batteries	\$ 1.00

USE OF SCALE

One Time Use of Scale	\$ 5.00
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## **D. TRANSFER STATION ELIGIBILITY**

### **1. GENERAL ELIGIBILITY AND REQUIREMENTS**

- a) “Eligible persons” for the purpose of these rules and regulations are persons who are entitled to transfer station stickers because they meet the real estate taxpayer or residence requirements outlined below. Persons denied stickers may appeal through submission of a form entitled “Sticker Appeals,” available in the Treasurer/Collector’s Office.
- b) The burden of proof of sticker eligibility rests on the applicant. At all times, the sticker remains the property of the Town of Orleans. The person to whom the sticker has been issued has purchased a use privilege, not the sticker itself (see Section 185.16 below).
- c) All stickers are “vehicle-specific.” Each sticker will bear the license plate number of the vehicle to which issued and shall be valid only if permanently attached to the vehicle.
- d) Current vehicle registrations must be provided, showing the name of the eligible person as the owner. In the case of a leased or rented vehicle, the eligible person’s name must appear on the lease or rental agreement.
- e) Residential transfer station stickers allow the owner of the vehicle, in accordance with the Town of Orleans Use of the Orleans Solid Waste Facility Regulations, to dispose of residential solid waste generated from the owner’s primary Orleans residence only.
- f) Residential recycling stickers allow the owner of the vehicle, in accordance with the Town of Orleans Use of the Orleans Solid Waste Facility Regulations, to dispose of recyclable material generated from the owner’s primary Orleans residence only. A recycling sticker will grant the owner of the vehicle access to all of the services at the solid waste facility, at the rates defined in Section 185-15, with the exception of the disposal of refuse (garbage and rubbish) which is not allowed with a recycle only sticker.
- g) Commercial transfer station stickers, obtained in accordance with these regulations, allow the owner of the vehicle to dispose of solid waste, generated in the Town of Orleans, at the transfer station in compliance with the Town of Orleans Use of the Orleans Solid Waste Facility Regulations. Such waste is subject to the commercial disposal rates.

### **2. RESIDENTIAL TRANSFER STATION ELIGIBILITY**

#### **Residential Transfer Station Stickers**

- a) A residential sticker allows the eligible resident to dispose of residential solid waste generated from the resident’s primary Orleans residence only. Second and subsequent stickers will be issued at a rate of one additional sticker per each primary sticker.

### **Year Round Residents and Real Estate Tax Payers**

- a) Applicants must appear by name on the current assessor's list of residential property owners. New owners who have not yet been placed on the list must provide a copy of the deed.
- b) Spouses of real estate taxpayers are eligible, but must provide proof of their relationship to, and common household with, the real estate taxpayer (e.g. insurance policy, driver's license, address portion of tax return, etc.).
- c) In cases of properties owned by trusts, the trustees of the trust are eligible, not the beneficiaries. Sufficient documentation, such as an excerpt of the trust agreement, must be provided to demonstrate the applicant's appointment of trustee.
- d) Year round residents and real estate tax payers with vehicles with commercial license plates registered to them as individuals are eligible to obtain residential transfer station stickers. This sticker allows the owner of the vehicle to dispose of residential solid waste generated from the owner's primary Orleans residence only.
- e) Year round residents and real estate tax payers whose vehicles are registered to a business are entitled to **one** residential transfer station sticker per household. Such resident's/taxpayer's connection to the business must be shown by either an insurance policy or a pay stub which clearly shows the eligible person's connection to the business. This sticker allows the resident to dispose of residential waste, generated from the resident's primary residential property only. Second and subsequent vehicles registered to the business will require commercial stickers and are subject to the commercial disposal rates.
- f) Non residents who own businesses in Orleans and thus pay real estate taxes are not eligible for a residential transfer sticker.
- g) Non-resident real estate taxpayers, without a habitable dwelling or occupancy permit on an Orleans property, are not eligible for a residential transfer station sticker.

### **Year Round Residents Who Are Not Real Estate Taxpayers**

- a) Year round residents who are not real estate taxpayers must appear on the Town's current census. New residents who have not yet been placed on the list must provide three proofs of residency to include: vehicle registration, driver's license, and telephone or electric bills all with the same Orleans street address (not P.O. Box).
- b) Current vehicle registrations must be provided, showing the name of the eligible person as the owner, and an Orleans street address (not a P.O. Box). In the case of a leased or rented vehicle, the eligible person's name and Orleans street address must appear on the lease or rental agreement.
- c) Year round residents who are not real estate tax payers with vehicles with commercial license plates registered to them as individuals are eligible to obtain residential transfer station stickers. This sticker allows the owner of the vehicle to dispose of residential solid waste generated from the owner's primary Orleans residence only.

- d) Year round residents who are not real estate tax payers whose vehicles are registered to a business are entitled to **one** residential transfer station sticker per household. Such resident's/taxpayer's connection to the business must be shown by either an insurance policy or a pay stub which clearly shows the eligible person's connection to the business. This sticker allows the resident to dispose of residential waste, generated from the resident's primary residential property only. Second and subsequent vehicles registered to the business will require commercial stickers and are subject to the commercial disposal rates.

### **Recycle Only Sticker**

- a) Applicants for a residential recycling sticker must meet the eligibility requirements for Year Round Residents Who Are Not Real Estate Taxpayers or Year Round Residents and Real Estate Tax Payers as defined above.
- b) Applicants for a residential recycling sticker must provide proof that they receive a private refuse collection service.
- c) A recycle only sticker allows the eligible resident to dispose of acceptable recyclable material from the resident's primary Orleans residence only. Second and subsequent stickers will be issued at a rate of one additional sticker per each primary sticker.

## **3. COMMERCIAL STICKER ELIGIBILITY**

### **Vehicles Registered to Businesses**

- a) If the vehicle for which the sticker is being sought is registered or leased to an Orleans business, the eligible person's connection to the business must be shown by either an insurance policy or a pay stub which clearly shows the eligible person's connection to the business. Disposal of refuse is subject to the commercial disposal rates.
- b) Except as allowed in Section 185.15 (D) (2) of these regulations, owners of vehicles registered to an Orleans business are not eligible to obtain residential transfer station stickers; they must obtain commercial stickers and are subject to the commercial disposal rates.
- c) No sticker will be issued to vehicles with dealer or repair plates unless the vehicle has a valid state inspection sticker.
- d) Refuse haulers licensed by the Board of Health are eligible to obtain commercial stickers and are subject to the commercial disposal rates.
- e) Orleans business owners who do not have a vehicle registered to the Orleans business are eligible for one commercial sticker and are subject to the commercial disposal rates.

### **Thirty Day Vehicle Pass**

- a) Contractors whose vehicles are registered to a business not located in Orleans may receive a Thirty Day Vehicle Pass to dispose of construction and demolition material generated from a building site located in Orleans.

- b) All applicants seeking a Thirty Day Vehicle Pass must show proof of an active building permit for construction and/or demolition in Orleans or proof of any other permit issued through the Building Department.
- c) A Thirty Day Vehicle Pass allows for the disposal of construction and demolition material generated in Orleans only. Material brought to the Orleans Solid Waste Facility from a location other than Orleans is prohibited and subject to penalty as described in this regulation.
- d) The disposal of construction and demolition material is subject to the rates defined in Section 185-15.

**4. MISCELLANEOUS**

- a) Active military personnel whose home of record is Orleans and who are on the Orleans voting list are eligible to obtain residential stickers.
- b) An eligible person who does not own a vehicle, or does not drive, may obtain a letter signed by the Treasurer which allows that person to enter the transfer station when driven by a third party. The eligible person must be in the vehicle at the time of entry and produce identification if requested.

**5. REPLACEMENT STICKERS**

Replacement transfer station stickers are available for a fee of \$5.00. Vehicle registrations are required as outlined above.

**185-16 VIOLATIONS AND PENALTIES**

**A. VIOLATIONS/PROHIBITIONS:**

The following activities are prohibited at the solid waste facility:

- 1. No person, business, or commercial enterprise may access the Orleans solid waste facility without a valid sticker.
- 2. Any load, or portion of a commercial load, that is determined to come from another town other than Orleans.
- 3. Disposal of brush from commercial vehicles and commercial enterprises.
- 4. Unauthorized removal (picking) of materials and products at the solid waste facility.
- 5. Construction and demolition materials from vehicles with a capacity of one ton or greater.
- 6. Disposal of asbestos.
- 7. Conduct by any/all persons utilizing the Solid Waste Facility shall not be disruptive to the operation of the facility, its staff or other users of the facility.

8. Misuse of Sticker

The following shall be considered a misuse of stickers:

- a) Sticker registration number not matching the license plate number of the vehicle to which it is attached.
  - b) Sticker not permanently affixed to the vehicle.
  - c) Sticker altered, defaced, copied or made unreadable.
  - d) Any violation of the rules and regulations for the use of the transfer station as promulgated by the Town of Orleans.
9. Any person violating the provisions of these regulations may be subject to fines, suspension or revocation of an existing permit/license or transfer station sticker for a period of time to be determined by the Board of Health.

**B. PENALTIES**

Violation of this regulation will be subject to the provisions of Massachusetts General Laws Chapter 40, Section 21D, regarding non-criminal dispositions as adopted by the Town of Orleans.

1. A fine of fifty dollars (\$50.00) may be issued for a first offense.
2. A fine of one hundred dollars (\$100.00) shall be issued for a second offense.
3. A fine of two hundred and fifty dollars (\$250.00) shall be issued for a third offense and for any subsequent offense.

**C. REVOCATION OF STICKERS**

1. For any violation of these regulations, the Orleans Board of Health may, after a public hearing, suspend/revoke any solid waste sticker, license or permit issued by it for a period of time to be determined by the Orleans Board of Health.
2. The Orleans Board of Health may apply for injunctive relief to enforce the provisions of this subsection in a court of competent jurisdiction.

**185-17 VARIANCE**

- A. Any party adversely affected by these regulations may apply to the Board of Health for a variance from the provisions of these regulations. The applicant must state in writing the reasons and justification for the request. The applicant must establish that enforcement of these regulations would do manifest injustice. The Orleans Board of Health will conduct a public hearing on the request, at which time the applicant or a designated agent shall present the request and the basis for the request.
- B. Any variance approved by the Board of Health is non-transferable to an individual/owner/licensee other than the applicant.
- C. Any variance issued by the Board of Health must be renewed annually unless otherwise stated as part of the variance approval.
- D. Variance approval will not be unreasonably withheld provided that the intent and purpose of this regulation is not compromised.

**185-18 ENFORCEMENT**

Authority for the enforcement of the rules and regulations shall rest with the Board of Health, Transfer Station Manager, Chief of Police, Town Administrator or their authorized agents or deputy.

ORLEANS BOARD OF HEALTH

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Job Taylor III, Chairman

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Augusta F. McKusick, Vice Chairman

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Robin K. Davis

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Jan Schneider

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Elizabeth Suraci

Adopted:	April 18, 1991	Amended:	April 1, 2004
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Amended:	October 21, 1999	Amended:	March 1, 2007
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	March 15, 2001		
Effective:	March 23, 2001		

